

REMARKS

Claims 65-67 are cancelled herein and claims 74-94 have been added. It is believed that claims 74-94 are commensurate with the elected claims and species as they are directed in part to peptide epitopes having a HLA-A3 motif. The new claims also find basis throughout the specification. Specifically, basis for pharmaceutical compositions, carriers, and diagnostic reagents can be found on page 4, lines 1-2 and page 21, line 4 to page 28, line 21. Basis for peptide lengths, amino acids making up the HLA-A3 motif, and epitopes encompassed by the HLA-A3 motif can be found on page 3, lines 7-11; page 4, lines 7-9; page 11, lines 8-18; and tables spanning pages 34 to 36, in particular, table 10 on page 35. Basis for nucleic acids can be found on page 18, line 27 to page 19, line 2 and basis for T cells can be found on page 27, line 4, to page 28, line 21. The specification also provides basis for claims 91-93 in the tables on pages 34-36. Thus, the added claims do not introduce new matter.

Matters of Form

It was stated in the Office Action that certain documents cited in an Information Disclosure Statement filed on 13 January 2000 were not considered as copies of the documents were not provided. An Information Disclosure Statement that includes those documents is filed herewith. It was also stated in the Office Action that the Declaration is defective as claims to priority in the specification and declaration are not commensurate. A Substitute Declaration will be provided in the near future.

Rejection of Claims Under 35 U.S.C. §112

Claims 65-67 were rejected under 35 U.S.C. §112, first paragraph, as the specification allegedly does not provide an adequate written description of the claimed subject matter. It is believed that this rejection is moot as claims 65-67 are cancelled, and the rejection is inapplicable to the new claims as they are fully elucidated by the specification as described

above. For example, the specification makes it clear that the invention is in part directed to pharmaceutical compositions (page 4, lines 1-2 and page 21, line 4 to page 28, line 21) that include a peptide of less than fifteen amino acids (page 4, lines 7-9) having an epitope falling within a defined HLA-A3 motif (page 11, lines 8-10 and page 3, lines 7-11). Thus, the specification provides a written description of the claimed subject matter.

Claims 65-67 were also rejected under 35 U.S.C. §112, second paragraph as the term "at a carboxyl-terminal amino acid of the epitope" was allegedly indefinite. This rejection is moot in view of the cancellation of these claims and because the new claims lack this term. The term "C-terminal amino acid" is set forth in the specification on page 3, line 9, lines 20-21, and lines 24 and is a term well-understood in the art. Thus the terminology utilized in the new claims is definite.

Accordingly, it is respectfully submitted that the rejections of claims 65-67 under 35 U.S.C. §112 are not applicable to the new claims.

Rejection of Claims Under 35 U.S.C. §102 and 35 U.S.C. §103

Claims 65-67 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 5,840,313. The rejection is moot as those claims are cancelled, and the rejection is inapplicable to the new claims because the peptide disclosed in U.S. Patent No. 5,840,313 is twenty-four (24) amino acids in length. In contrast, claims 74-77 and 80-83 are limited to peptides that are less than fifteen (15) amino acids in length and claims 78-79, 84-85, and 88-91 are limited to peptides that are ten (10) amino acids in length. Because U.S. Patent No. 5,840,313 fails to disclose a peptide that is ten or less than fifteen amino acids in length, the document does not anticipate the new claims.

Claim 66 was also rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Takahashi, and claims 65 and 67 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Takahashi in view of WO 95/04542. The rejection is moot in view of the cancellation of claims 65-67, and the rejection is inapplicable to the new claims because Takahashi alone or in combination with WO 95/04542 does not result in the claimed subject matter. Specifically, the cited documents fail to teach or suggest a peptide corresponding to the claimed motif, as Takahashi does not teach or suggest a peptide that is fifteen or fewer amino acids in length and having a lysine in the carboxy terminal position, nor a peptide that is ten amino acids in length and having the claimed amino acid sequences. WO 95/04542 does not cure the defects of Takahashi. Therefore, the cited documents cannot form the basis of a *prima facie* case for obviousness with respect to the new claims.

Accordingly, it is respectfully requested that the rejections under 35 U.S.C. §102 and 35 U.S.C. §103 be withdrawn.



Having addressed all of the rejections, the application is believed to be in condition for allowance and a notice to that effect is respectfully requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 39963200420. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

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